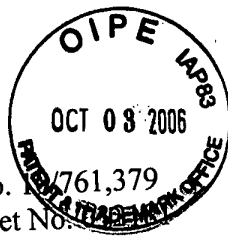


Application No. 1/761,379  
Attorney Docket No. 1/761,379



Response under 37 C.F.R. §1.116  
Response Filed: October 3, 2006

### REMARKS

Claim 1 is pending in the above-identified application. It is respectfully submitted that this Response is fully responsive to the Office Action dated August 25, 2006.

### Claim Rejections

Claim 1 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Mori* (JP 2002321739 A) in view of *Walsh* (USPN 6,776,300). For at least the following reasons, Applicants respectfully disagree with the Examiner's obviousness rejection of claim 1.

The Examiner has failed to present a *prima facie* case of obviousness. Applicants respectfully submit that even if one were to combine the cited references, the resultant combination would NOT result in the claimed invention. For example, *Walsh* does NOT teach or suggest that *said protruding portions are fitted into respective fitting concave portions formed in the folding container below when the folding containers are assembled into a box shape and stacked on one another*. See claim 1. In rejecting this claim, the Examiner mischaracterized the leg strap elements 92, 94 as the protruding portions described in the claimed invention. However, as described in the cited reference, the leg strap elements 92, 94 are part of an optional forklift strap 88 that is used to prevent tipping of the container on a pair of lift forks when the container is raised from a seated or stacked position. See Col. 7, lines 27-38. The leg strap elements are NOT fitted into respective fitting concave portions formed in the folding container below. Accordingly, this claimed element is missing from the cited references.

Furthermore, Applicants respectfully submit that the leg-nesting corner slot 184 is NOT a *respective fitting concave portion formed in the folding container below*. As described in the cited reference, the corner slot 184 does not receive the leg strap elements 92, 94 of the *Walsh* device. Accordingly, this claimed element is also missing from the cited references.

Moreover, Applicants respectfully submit that even if the cited references were combined as suggested by the Examiner, the resultant combination would not comprise *a back surface of the bottom of at least one of the folding containers is formed with a bottom fitting portion*, because, for example, the *Walsh* device uses sidewall 14, 16 and end wall 18, 20 for stacking. See Fig. 1 and col. 12, lines 11-35.

In view of the remarks above, Applicants respectfully submit that the Examiner has failed to present a *prima facie* case of obviousness. Accordingly, Applicants respectfully request that the Examiner withdraw the obviousness rejection of claim 1.

### **Conclusion**

In view of the aforementioned remarks, Applicants submit that the claims are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

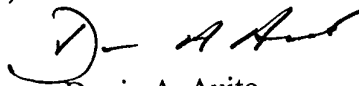
Application No. 10/761,379  
Attorney Docket No. 032181

Response under 37 C.F.R. §1.116  
Response Filed: October 3, 2006

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**

A handwritten signature in black ink, appearing to read 'Darrin A. Auito', is written over a horizontal line.

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DAA/rf